

PATRICK L. FORTE, #80050
LAW OFFICES OF PATRICK L. FORTE
1624 Franklin Street, #911
Oakland, CA 94612
Telephone: (510) 465-3328
Facsimile: (510) 763-8354

Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: **Case No. 16-43124 WJL**

PAMELLA MCLEOD HENDERSON, **Chapter 13**

Debtor.

**MOTION TO VALUE PERSONAL
PROPERTY; NOTICE OF
OPPORTUNITY FOR HEARING;
DECLARATION IN SUPPORT; AND
CERTIFICATE OF SERVICE**

PLEASE TAKE NOTICE that Debtor requests the court value the collateral described below, which secures the claim of the Creditor Internal Revenue Service. Debtor also requests that the amount of the Creditor's secured claim not exceed the value of the collateral, less the claims of creditors holding senior liens or security interests. This determination shall supersede any greater claim demanded in a proof of claim. Any objections to the Creditor's claim are reserved.

NOTICE IS HEREBY GIVEN, pursuant to FRBP 3007 as modified by B.L.R. 9014-1 that any objection to the requested relief, or a request for hearing on the matter must be filed and served on the requesting party within twenty-one (21) days of mailing of the notice; 2) that a

1 request for hearing or objection must be accompanied by any
2 declarations or memoranda of law the party objecting or requesting
3 wishes to present in support of its position; 3) that if there is not
4 a timely objection to the requested relief or a request for hearing,
5 the Court may enter an order granting the relief by default; and 4)
6 that the initiating party will give at least seven (7) days written
7 notice of hearing to the objecting or requesting party, and to any
8 trustee or committee appointed in the case, in the event an objection
9 or request for hearing is timely made.

10
11 **MOTION**

12 Debtor hereby moves to value the their assets as listed on
13 Schedule B of Debtor's bankruptcy schedules at \$2,243.65, limit
14 Creditor's secured claim to \$2,243.65, and that any amount in excess
15 be treated as a general unsecured claim, pursuant to 11 U.S.C. §§ 506
16 and 1322 (b) (2), FRBP 3012 and 9014, and B.L.R. 9014-1, which
17 determination shall become part of Debtor's confirmed Chapter 13 Plan.

18
19 Dated: November 29, 2016

/s/ Patrick L. Forte

PATRICK L. FORTE

Attorney for Debtor

20
21
22 **DECLARATION**

23 I declare under the penalty of perjury that the information
24 listed below is true and correct:

25 1. I am the Debtor in the above-captioned case.

26 2. At the time I filed my Chapter 13 case, I had personal
property valued at \$2,243.65 (the "collateral").

3. I am informed and believe that on the date I filed my case, the collateral was worth \$2,243.65.

4. The Internal Revenue Service holds a claim of approximately \$2,243.65, secured by the collateral.

Dated: November 29, 2016 /s/ Pamella McLeod Henderson
PAMELLA MCLEOD HENDERSON

CERTIFICATE OF SERVICE

I am not less than 18 years of age and not a party to the within case. My business address is: 1624 Franklin Street, #911, Oakland, CA 94612.

I served this MOTION TO VALUE COLLATERAL; NOTICE OF OPPORTUNITY FOR HEARING; DECLARATION IN SUPPORT by first-class United States Mail, postage pre-paid, at Oakland, California, on the date noted below and addressed to the Claimant above, and on those listed below. If entitled to notice, the Chapter 13 Trustee will receive such notice upon the electronic filing of this document I declare, under penalty of perjury, that the foregoing is true and correct.

Internal Revenue Service
Service Center
Fresno, CA 93888

Internal Revenue Service
PO Box 21126
Philadelphia, PA 19114

Internal Revenue Service
Insolvency Section
1301 Clay Street #1400S
Oakland, CA 94612

/

1 Internal Revenue Service
2 PO Box 7346
3 Philadelphia, PA 19101-7346

4 Dated: November 30, 2016

/s/ Joe P. Segura
JOE P. SEGURA